R E M A R K S

This is in response to the Official Action of May 8, 1997.

A Notice of Appeal was filed on November 10, 1997 but no Brief on Appeal was filed to this date. Therefore, applicants believe that they can proceed in accordance with the provisions of 37 C.F.R. §1.129(a) because this Paper is being submitted prior to the filing of an appeal brief and prior to abandonment of the application.

Allowance of the claims 36-47 and 70 is gratefully acknowledged.

The new independent claim 71 replaces the allowable claim 25, and the claims 26-27 now refer to the new claim 71.

The new claims 72 and 73 respectively replace the allowable claims 29 and 30.

The additional fee for independent claims 71-73 is enclosed.

Applicants further enclose a Petition with the prescribed fee.

The finally rejected (twice amended) claim 1 has been carefully amended in an effort to even more accurately distinguish over the teaching of the Japanese patent No. 54-145860 to Suzuki. The thrice amended claim

1 points out (the same as the twice amended claim 1) that the at least one runner (such as 13) of the fluid coupling (such as 3) is disposed in the at least one housing (such as 2) of the fluid coupling and is connectable (emphasis supplied) with a rotary driven device (such as ID and/or 14). For example, the connection can be established or terminated by the bypass clutch (such as 18). The power flow between the at least one runner 13 and the driven device ID and/or 14 includes at least one energy storing element (such as 19). The thrice amended claim 1 now specifically recites that the power flow between the at least one runner 13 and the driven device ID and/or 14 is effective (emphasis supplied) when the at least one runner is connected with the driven device.

The just described construction and mode of operation of applicants' power transmitting apparatus are utterly different from those of the power transmitting apparatus which is disclosed in the Japanese reference. Please note that applicants call for a power flow between the at least runner 13 of the fluid coupling and the driven device, and that applicants further call for at least one energy storing element in such power flow, i.e., between the runner and the driven device (emphasis supplied). On the other hand, and as clearly shown in the Exhibits A1 and A2 (which were enclosed with the First Submission),

the "power flow" between the runner 10 and the driven device 13 of the reference does not contain any energy storing elements and much less one or more energy storing elements forming part of a damper. The energy storing element or elements 25 of the damper in the apparatus of the Japanese patent are installed upstream or ahead of the runner 10, i.e., not between the runner (13) and the driven device (ID and/or 14) as shown in applicants' Figure 1 and as called for in the thrice amended claim 1.

Applicants have duly noted the observation in lines 2-4 from the bottom on page 6 of Paper No. 18, namely, that their twice amended claim 1 did not specify the direction of power flow but only that the impeller is in a "power flow between said at least one runner and said driven device". It is respectfully urged that such argumentation is not convincing because the Primary Examiner overlooked the statement in claim 1 that the power flow is between the at least one runner "and said driven device" (emphasis and quotes furnished by the undersigned) which, at least in a majority of instances, automatically furnishes or indicates or points out the direction of power flow. Thus, any further specificity in the claim 1 would constitute a pure surplusage.

Nevertheless, the thrice amended claim 1 now

recites that the power flow is effective when the at least one runner is connected with the rotary driven device. Even though such language does not exclude the possibility that the power flow become ineffective when the at least one runner is disconnected from the rotary driven device, this still accurately distinguishes over the teaching of the Japanese patent because, when the bypass clutch of the Japanese patent is engaged (Appendix A1), the power flow is from the energy storing element(s) 25 to the runner 10 and thence to the driven device 13. In other words, and as already mentioned on several occasions in the preceding paragraphs of these Remarks, the Japanese publication does not disclose a power flow, including one or more energy storing devices, between the runner of a fluid coupling and the rotary driven device of the patented apparatus.

All claims which refer to the thrice amended claim 1 are believed to be patentable in view of such dependency. This is believed to include the claims 2-19, 21, 22, 24 and 69 as well as the claims 20, 23, 28 and 31-35.

The claim 48 has been amended in the same way as the claim 1, i.e., the claim 48 recites the entire subject matter of the thrice amended claim 1 and, therefore, applicants believe tha the claim 48, together with the

dependent claims 49-68, is directed to the same invention as that protected by the thrice amended claim 1. Such interpretation is believed to be warranted since, once it has been ascertained that all matter of the thrice amended claim 1 is recited in the claim 48, the latter can be considered as a claim "depending" from the thrice amended clam 1 but presented in independent form. For example, applicants could present the claim 2 in independent form and the difference between the claim 1 and such independent claim replacing the claim 2 would be the same as that between the claim 1 and the claim 48, i.e., the claim 48 recites one or more elements or parts or components in addition to all those elements or parts or components which are recited in the claim 1.

In view of the just outlined situation, applicants believe that the claims 20, 23, 28, 31-35 and 48-68 can remain in the present application as well as that these claims are allowable for the reasons pointed out hereinbefore in support of patentability of the thrice amended claim 1.

In the second paaragraph of her **Response to Amendment** on page 6 of Paper No. 18, the Primary Examiner observed that "... the Toyota reference does disclose such a power flow (namely from the turbine to the damper and then to the output hub) when the bypass clutch is in

an engaged condition". Applicants sincerely believe that such interpretation of the construction and mode of operation of the apparatus which is disclosed in the Japanese patent warrants careful reconsideration. If the Primary Examiner disagrees, applicants respectfully request that the Primary Examiner furnish an illustration of her interpretation of the operation of the patented apparatus when the bypass clutch is in an engaged condition, for example, in a copy of applicants' Appendix A1 which shows applicants' interpretation of the power flow when the bypass clutch of the apparatus disclosed in the Japanese reference is engaged. Such illustration would go a long way toward clarifying the situation and toward arriving at a consensus that the thrice amended claim 1 of the present application is or is not patentable over such prior art.

This Paper is believed to place the present case in condition for allowance with claims 1-24, 26-28, and 31-73, and such disposition at a reasonably early date is earnestly solicited.

Respectfully submitted,

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Encls.